

1 ZIEVE, BRODNAX & STEELE, LLP
2 J. Stephen Dolembo, Esq.
3 Nevada Bar No. 9795
4 9435 West Russell Road, Suite 120
5 Las Vegas, Nevada 89148
6 Tel: (702) 948-8565
7 Fax: (702) 446-9898
sdolembo@zbslaw.com

8 *Attorneys for Plaintiff The Bank of New York Mellon fka The Bank of New York, as trustee for
9 the Certificateholders of CWABS Inc., Asset-Backed Certificates, Series 2007-10*

10 **UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF NEVADA**

12 THE BANK OF NEW YORK MELLON FKA
13 THE BANK OF NEW YORK, AS TRUSTEE
14 FOR THE CERTIFICATEHOLDERS OF
15 CWABS INC., ASSET-BACKED
16 CERTIFICATES, SERIES 2007-10, a national
17 bank,

18 Plaintiff,

19 vs.

20 MONACO LANDSCAPE MAINTENANCE
21 ASSOCIATION, INC., a Nevada corporation;
22 SATICOY BAY LLC, SERIES 8326
23 STERLING HARBOR, a Nevada limited
liability company,

24 Defendants.

25 **CASE NO.: 2:17-CV-02061-JAD-CWH**

26 **STIPULATION AND ORDER TO
27 DISMISS DEFENDANT MONACO
LANDSCAPE MAINTENANCE
ASSOCIATION, INC.**

28 ECF No. 35

SATICOY BAY LLC, SERIES 8326
STERLING HARBOR,

Counterclaimant,

vs.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWABS INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-10,

Counterdefendant.

1 Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff The Bank of New York
2 Mellon fka The Bank of New York, as trustee for the Certificateholders of CWABS Inc., Asset-
3 Backed Certificates, Series 2007-10 (hereinafter “BNYM”) and Defendant Monaco Landscape
4 Maintenance Association, Inc. (hereinafter “MONACO”), (collectively, the “Parties”), by and
5 through their respective counsel of record, hereby stipulate as follows:

- 6 1. On July 28, 2017, Plaintiff BNYM filed its Complaint in this action naming MONACO
7 and other parties as defendants related to a homeowners association foreclosure sale of
8 real property located at 8326 Sterling Harbor Court, Las Vegas, Nevada 89117; APN
9 163-09-313-035 (hereinafter “Property”).
10 2. The Parties hereby agree that BNYM’s claims against MONACO shall be dismissed with
11 prejudice, and BNYM and MONACO shall each bear its own costs and fees related to
12 this litigation.
13 3. MONACO asserts that it does not have a current ownership interest in title to the
14 Property.
15 4. MONACO specifically reserves its ongoing rights under Nevada law, including NRS
16 Chapter 116, and the governing documents, including the Covenants, Conditions and
17 Restrictions (“CC&Rs”).

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1 5. This dismissal does not affect any rights, claims or defenses of BNYM or MONACO
2 with respect to any other party related to the foreclosure sale of the Property.
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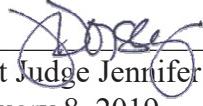
4 **IT IS SO STIPULATED.**

5 DATED this 8th day of February, 2019.
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ZIEVE, BRODNAX & STEELE, LLP	WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP
/s/J. Stephen Dolembo, Esq. J. Stephen Dolembo, Esq. Nevada Bar No. 9795 3753 Howard Hughes Parkway, Suite 200 Las Vegas, Nevada 89169 Tel: (702) 948-8565 Fax: (702) 446-9898 sdolembo@zbslaw.com Attorneys for Plaintiff <i>The Bank of New York Mellon, FKA The Bank of New York, as Trustee for the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2006-OA6 Mortgage Pass-Through Certificates, Series 2006-OA6</i>	/s/Douglas M. Cohen, Esq. Douglas M. Cohen, Esq. Nevada Bar No. 1214 Gregory P. Kerr, Esq. Nevada Bar No. 10383 3556 E. Russell Road, Second Floor Las Vegas, Nevada 89120 Tel: (702) 341-5200 Fax: (702) 341-5300 dcohen@wrslawyers.com gkerr@wrslawyers.com Attorneys for <i>Monaco Landscape Maintenance Association, Inc.</i>

18 **ORDER**
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20 Based on the stipulation between plaintiff and defendant Monaco Landscape Maintenance
21 Association [ECF No. 35], which I construe as a joint motion under LR 7-1(c) because it was
22 signed by fewer than all parties, and with good cause appearing, IT IS HEREBY ORDERED
23 that **the claims against Monaco Landscape Maintenance Association, Inc. are
DISMISSED with prejudice**, each party to bear its own fees and costs.

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25 U.S. District Judge Jennifer A. Dorsey
26 Dated: February 8, 2019
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